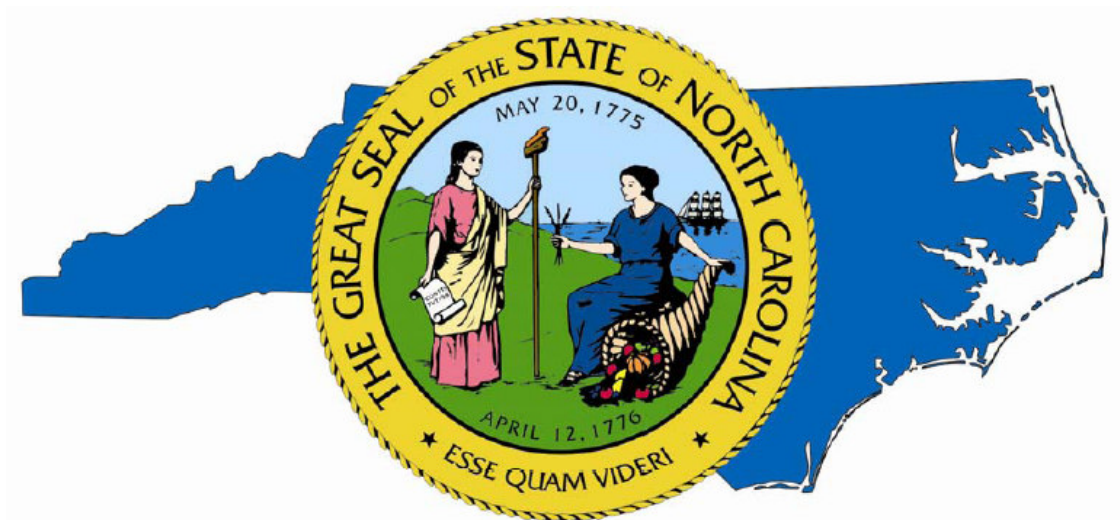


State of North Carolina National Veterinary Stockpile Plan July 2010



**Department of Agriculture and Consumer
Services**

NORTH CAROLINA NATIONAL VETERINARY STOCKPILE (NVS) PLAN



**EMERGENCY RULE-MAKING
FINDINGS OF NEED
[G.S. 150B-21.1A]**

**OAH USE
ONLY**

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Department of Agriculture and Consumer Services	
2. Rule citation(s): North Carolina State Veterinarian (NVS) Plan	
3. Adoption by agency on: TBD	4. Date agency requests entry of emergency rule in the Code: TBD
5. What is the need for an emergency rule? Due to the response resource requirements for the current _____ emergency response action, the resources available to the State are inadequate or delayed and the State Veterinarian or his or her designee has determined that it is in the best interest of the citizens or industries of North Carolina to request response resources from the United States Department of Agriculture, Animal and Plant Health Inspection Service, National Veterinary Stockpile.	
6. Has the agency provided the public with abbreviated notice? If so, describe. No, the timing and demands of this emergency have not permitted the notification of the public regarding this need.	
7. Why is adherence to notice and hearing requirements contrary to the public interest and that the immediate adoption of the rule required by a serious and unforeseen threat to the public health or safety? Adherence to the normal notice and hearing requirements of the North Carolina Administrative Code promulgation procedures would likely place the citizens and livestock of the State at greater risk of injury, illness, or economic suffering.	

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<p>8. Does the agency have specific statutory authority for the adoption of an emergency rule? If so, has the agency met the statutory criteria for adoption? (attach copy of statutory authority) N.C.G.S. 106-306 provides the Commissioner of Agriculture the authority for rulemaking and passing regulations to make effective a proclamation by the Governor regarding the possible spread of illness or disease through feedstuff, livestock or poultry known to be injurious to the health of man, livestock or poultry; or as necessary to effectively stamp out such infectious or contagious diseases.</p> <p>N.C.G.S. 106-399.4 states, "When determined by the State Veterinarian, in consultation with the Commissioner of Agriculture and with the approval of the Governor, that there is an imminent threat within the State of a contagious animal disease that has the potential for very serious and rapid spread, is of serious socioeconomic and public health consequence, or is of major importance in the international trade of animals and animal products, the State Veterinarian or an authorized representative may develop and implement any emergency measures and procedures that the State Veterinarian</p>	
<p>9. Has the agency submitted the proposed temporary rule for publication on the Internet in accordance with G.S. 150B-21.1(a3)?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>10. Rule establishes or increases a fee? (See G.S. 12-3.1)</p> <p><input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No</p>	
<p>11. Rule-making Coordinator: David McLeod</p> <p>Phone: 919/733-7125</p> <p>E-Mail: David.McLeod@ncagr.gov</p>	<p>12. Signature of Agency Head*:</p> <hr/> <p>* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p>
<p>Agency contact, if any: Sharron Stewart, Director, Emergency Programs</p> <p>Phone: 919/807-4307</p> <p>E-Mail: Sharron.Stewart@ncagr.gov</p>	<p>Typed Name: David McLeod</p> <p>Title: Assistant Commissioner for Policy, Communications, and Legal Affairs</p>

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REVIEW BY THE CODIFIER OF RULES

Approved. Entered into the North Carolina Administrative Code on: _____

Reviewed By: _____

Date: _____

Comments:

Statement does not meet the criteria.

Reviewed By: _____

Date: _____

Comments:

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DISTRIBUTION

Department of Administration
Department of Agriculture and Consumer Services
Department of Crime Control & Public Safety
Department of Health and Human Services
Department of Justice
Department of Labor
Division of Emergency Management
Division of Public Health
North Carolina Wildlife Resources Commission
North Carolina Cooperative Extension Services
USDA APHIS Region IV Office
USDA APHIS Area Office
USDA APHIS NVS Office

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PLAN SUMMARY

The NVS Plan establishes a comprehensive framework of policy and guidance for State Emergency Response Team (SERT) agencies to manage incoming National Veterinary Stockpile assets. The plan details capabilities, authorities and responsibilities. It establishes mutual understanding among state, local and other public and private non-profit organizations. The NVS Plan is designed for worst case scenarios to include catastrophic events. The plan is an appendix of the NC Emergency Operations Plan (NCEOP) where it is referenced in appropriate sections. It is intended in all instances to be consistent with the National Incident Management System (NIMS) and the Federal Emergency Management Agency (FEMA) Comprehensive Planning Guide (CPG) 101.

The NCEOP incorporates a functional approach that groups the types of assistance to be provided under NC Emergency Support Functions (NCESF) and responsibilities assigned to SERT sections for addressing needs at the state and county levels. Each function is assigned a lead state agency, which has been selected based on that agency's authorities, resources, and capabilities in a particular functional area. NC Department of Agriculture and Consumer Services (NCDA&CS) is the functional lead for Animal Protection (NCESF 11).

North Carolina General Statute § 106 establishes the authority and role of the State Department of Agriculture and Consumer Services relate to animal diseases, animal carcass disposal, and meat and poultry processing, and other agricultural operations and emergencies.

North Carolina General Statute § 166A establishes the authority and responsibilities of the Governor, State agencies, and local government for emergency management in North Carolina. The Secretary of Crime Control & Public Safety is responsible to the Governor for all State emergency management activities. The Division of Emergency Management (NCEM) fulfills this role for the Secretary.

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RECORD OF CHANGES AND ANNUAL REVIEW

Change Number	Date of Change	Date Posted	Initials

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I. INTRODUCTION.

- A. **PURPOSE.** The purpose of this plan is to provide necessary provisions and processes to expedite the requesting and management of resources, when needed, from the National Veterinary Stockpile (NVS) of the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services (USDA APHIS VS).
- B. **SCOPE.** This plan is designed to address the processing of mutual aid resources needed during large scale and catastrophic events affecting animal health in the State. The plan applies to all State government departments and agencies which are tasked to provide assistance in a Foreign Animal Disease (FAD) or animal health, or natural disaster related emergency situation. It describes the fundamental policies, strategies, and general concept of operations to be used in processing mutual aid resources from an event onset through the post disaster phase. Certain Standard Operating Procedures (SOP) and Guides (SOG) have been published separately and will be referenced.

C. SITUATION.

1. **General Conditions.** During day-to-day conditions, the State and Counties of the State have adequate resources to respond to routine (i.e. small scale) animal health emergencies.
2. **Emergency Conditions.** In the event of an outbreak of a damaging animal disease or other disaster, whether natural or intentional, supplies of critical veterinary items in the State may be rapidly depleted necessitating a request for assistance from outside sources. The National Veterinary Stockpile is one such source.

D. ASSUMPTIONS.

1. The State may at any time experience a livestock or poultry disease outbreak or natural disaster that may require supplemental assistance.
2. The State rapidly depletes its available resources during an outbreak of a damaging animal disease.
3. The State is unable to acquire enough resources in a timely manner through their normal channels to support its continued response.

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4. Once an NVS request is approved, the federal resources will be delivered to the state within 24 hours.
5. A damaging animal disease outbreak requires the participating parties to coordinate their efforts to respond to the outbreak.
6. The response to a significant animal disease outbreak or natural disaster may require changes in incident management and support facilities to meet incident objectives.

II. CONCEPT OF OPERATIONS

A. Requesting the NVS Countermeasures.

1. An incident or event involving animals occurs and an agency having jurisdiction places a request for the NVS through NCDA&CS.
2. State Veterinarian or designee (SV) and Area Veterinarian in Charge (AVIC) concludes that NVS physical countermeasures are needed.
3. NCDA&CS will activate their Ag Emergency Operations Center and designate an Incident Commander (IC). The SV or designee coordinates needed assets with the NCDA&CS IC.
4. SV and AVIC make the request for the NVS with USDA APHIS VS Regional Office.
5. The USDA APHIS VS Regional Office notifies USDA NVS Director.
6. The NVS Director coordinates approved resource requests with the SV and AVIC.

B. Receiving the NVS Countermeasures.

1. The NCDA&CS Logistics Section Chief will specify the location to which the USDA NVS resources will be delivered.
2. The USDA NVS resources, which include the NVS Logistics Management Team (LMT), will arrive at the designated site and coordinate with the facility manager.
3. The USDA NVS Deployment Management Team (DMT) will communicate with the NCDA&CS Ag Emergency Operations Center, Logistics Section Chief.

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C. Deploying the NVS Countermeasures. NCDA&CS will ensure that materials from the NVS assets are staged, inventoried, and delivered to specified sites in the field using trucks and trailers. The initial receiving site may be an NCEM or NCDA&CS warehouse, and subsequent sites identified as needed. These efforts may require the assistance of support agencies and organizations. Examples of support may include but are not limited to the use of: NCEM warehouses, equipment, and logistics staff; contracted transportation; cooperative extension services facilities and personnel; and wildlife resource officers.

D. Ordering additional NVS Countermeasures.

1. The NCDA&CS Logistics Section Chief will coordinate additional NVS countermeasure requests with the USDA APHIS MLT or DMT.
2. If additional depopulation, disposal, and decontamination (3D) resources are needed, the SV may make the request for USDA 3D Contractors through the DMT. 3D Contractors provided under the USDA NVS will report directly to the NCDA&CS Plans Section (PS) in order to check in.

E. Recovery and final disposition of NVS Countermeasures.

1. Unused or safely reusable materials will be returned to the identified state logistics staging area (SLSA).
2. NVS assets will be separated from other state resources at the SLSA, evaluated and returned in accordance with NVS instructions.
3. All other state resources will be returned in accordance with identified facility procedures.

F. Lead Agency. The lead agency for this plan and NVS operations is North Carolina Department of Agriculture & Consumer Services.

G. Support Agencies.

1. Department of Administration. DOA will provide purchasers as requested by the SERT.
2. Department of Crime Control and Public Safety. CCPS will provide State Agency Administrator (SAA) support on incidents or events requiring SERT coordination, as well as additional support from their Divisions as requested through the SERT.

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3. Division of Emergency Management. NCEM will provide requested support such as warehousing and transportation services in accordance with an established memorandum of agreement with NCDA&CS, or as directed by the Secretary of CCPS.
4. Division of Public Health. DPH responder health issues.
5. North Carolina Wildlife Resources Commission will provide support as requested to address indigenous wildlife related issues.
6. North Carolina Cooperative Extension Services. NCCES will provide facilities, personnel, and other resources as requested.
7. North Carolina Department of Labor. NCDOL will provide recommendations in regard to personal protective equipment and proper use.
8. USDA APHIS. USDA APHIS will provide the federal response support as requested by the SV.

III. DIRECTION, CONTROL AND COORDINATION

- A. Direction. The SV is responsible for providing direction to the NCDA&CS IC for NVS resources.
- B. Control. Control of NVS resources is through the NCDA&CS Ag Emergency Operations Center.
- C. Coordination. The SV will coordinate all NVS activities with the NCDA&CS IC and SERT Liaison. The NCDA&CS SERT Liaison will be the Technical Lead to the SERT Leader when the SERT is activated in accordance with the NC Emergency Operations Plan and this plan is activated.

IV. INFORMATION COLLECTION AND DISSEMINATION

- A. Public information, collection and dissemination will be performed by the NCDA&CS Public Information Officer and coordinated with the SERT Joint Information System (JIS).
- B. Situational information, collection and dissemination will be performed by the NCDA&CS Plans Section Chief and coordinated with the NCDA&CS SERT liaison and the SERT Plans Section.

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- C. Logistical information, collection and dissemination will be performed by the NCDA&CS Logistics Section Chief and coordinated with the NCDA&CS SERT Liaison and SERT Logistics.

V. COMMUNICATIONS

- C. Primary communications will be conducted through WebEOC.
- D. Secondary communications will be conducted through telephone and /or e mail.
- E. Tertiary communications will be conducted through 800 MHZ VIPER radio on a designated channel found in the communications plan.

VI. ADMINISTRATION, FINANCE AND LOGISTICS

- A. Administration of NVS facilities is the responsibility of NCDA&CS or tasked agency. Administrative records shall be kept on site and pertinent copies provided daily to NCDA&CS Ag Emergency Operations Center.
- B. Financial issues related to NVS use will be coordinated with the NCDA&CS Emergency Operations Center, Finance and Administration Chief. When the SERT is activated, all financial issues will be addressed in accordance with the NC Emergency Operations Plan.
- C. Logistical requirements for NVS activities will be coordinated with the NCDA&CS Ag Emergency Operations Center, Logistics Section Chief, and the SERT Logistics Chief as necessary.

VII. PLAN DEVELOPMENT AND MAINTENANCE

- A. PLANNING. NCDA&CS will coordinate all planning activities with support agencies and organizations as needed. NCDA&CS is the lead agency and is responsible for the development and maintenance of this plan.
- B. REVIEW. This plan should be reviewed annually by all entities on the distribution list to remain familiar with their respective responsibilities. NCDA&CS and respective support agencies will review this plan at least once every three years for changes, or when any organizational changes that affect the plan occur.
- C. CHANGES TO PLAN. All requested revisions to this plan shall be sent to the NCDA&CS Emergency Programs Division for review. NCDA&CS shall update the plan and distribute any approved changes.

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- D. CANCELLATION. This plan may be cancelled by NCDA&CS given a 30 day written notification to all stakeholders.

VIII. AUTHORITIES AND REFERENCES

A. LEGAL IMMUNITIES AND LIABILITIES

1. Emergency Declaration. In accordance with North Carolina General Statute § 166A-14, all functions and other activities relating to emergency management as provided for in the General Statutes are hereby declared to be governmental functions.
2. Functions related to emergency management as provided for in Chapter 166A are “governmental functions” which qualify for the immunity protections afforded by G.S. 166A-14, or which otherwise exist pursuant to state or federal law. Additional limitations of liability, such as those in G.S. 166A-14(a1) and 166A-15 may apply to private enterprises engaged in assisting the state in the event of a declared emergency.

B. AUTHORITIES

1. North Carolina General Statute § 106
2. North Carolina General Statute § 166A

- C. Delegation of Authority. NCDA&CS may, when doing so is required for the efficient management of an emergency event, delegate authority vested within the agency or its employees to third parties. Such a delegation is subject to the provisions of the Emergency Management Act, G.S. 166A-1, *et seq.*

D. REFERENCES.

1. NC NVS Standard Operating Procedures.
2. NVS Memorandum of Agreement between NCDA&CS and NCEM.
3. North Carolina State Emergency Operations Plan.

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IX. GLOSSARY

APHIS VS	Animal and Plant Health Inspection Service, Veterinary Services
AVIC	area veterinarian in charge
DMT	deployment management team
CPG	Comprehensive Planning Guide
3D	depopulation, disposal, and decontamination
EMAC	emergency management assistance compact
EOC	emergency operations center
ESF	emergency support function
FAD	foreign animal disease
FEMA	Federal Emergency Management Agency
FMD	foot-and-mouth disease
IAP	incident action plan
IC	incident commander
ICS	incident command system
IMT	incident management team
LMT	logistics management team
LSC	logistics section chief
NCDA&CS	North Carolina Department of Agriculture and Consumer Services
NCESF	North Carolina Emergency Support Function
MLT	mobile logistics team
MOA	memorandum of agreement
NCEOP	North Carolina Emergency Operations Plan
NIMS	National Incident Management System
NVS	National Veterinary Stockpile
PIO	public information officer
PSC	plans section chief
SAHO	State Animal Health Official
SERT	State Emergency Response Team
SLSA	state logistic staging area
SOP	standard operating procedures
SOW	statement of work
SV	state veterinarian
USDA	United States Department of Agriculture

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